THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22426 OF 2005

DATED:20.10.2005

Between:

Chandranagar Colony Welfare Association

Rep. by its President Mr.Allipuram Penta Reddy

S/o.Narayana Reddy,

Occ.Private Employee, R/o.H.No.5-188

Chandranagar Colony,

Chintal, R.R.District …Petitioner

And

The Commissioner,

Qutubullapur Municipality,

Qutubullapur, R.R.District and another

…Respondents

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ORDER:

Chandranagar Colony Welfare Association (Association, for brevity) seeks a declaration that the inaction of the first respondent in not staying construction of canal proposing through H.M.T. Colony Via, Chandranagar, Qutubullapur Municipality, as illegal, arbitrary and violative of right to life. The petitioner also seeks a further declaration that the first respondent is misusing public revenue and public funds by allotting the contract to the said canal. The petitioner association approached the first respondent by allegedly making representations on 22.7.2005, 4.10.2005 and 5.10.2005. In all the representations, the petitioner association informed that the construction of storm/rain water drain to an extent of 500 feet at Bhagatsingh Nagar Colony adjacent to petitioner's colony would cause

inconvenience to residents of Chandranagar. They also alleged that if the work is taken up, drinking water supply pipes, telephone lines, electrical poles cannot be laid in the colony and there would be need to break cement road to an extent of 100 feet. As allegedly there was no response, present Writ Petition is filed.

The Writ Petition was initially listed for preliminary hearing on 18.10.2005. This Court directed the learned Standing Counsel for Qutubullapur Municipality to get instructions in the matter. Today, the learned Standing Counsel has placed before this Court a plan of the work of construction of link drain in Bhagatsingh Nagar near graveyard as approved by first respondent and also inspection report of Superintending Engineer of A.P.Urban Services for the Poor Scheme and Deputy Executive Engineer of the Municipality. He also made submissions opposing the maintainability of the Writ Petition.

As rightly submitted by the learned Standing Counsel, the proposed storm water drain is being taken up on the northern and southern boundary of Bhagatsingh Nagar. The western boundary of Bhagatsingh Nagar is also dead end of Chandra Nagar and therefore it would be futile to petitioner to argue that it would disable laying of water pipelines, telephone lines and electrical poles. This Court, however, hasten to add that the matters presented for adjudication are purely all technical nature and are not justifiable before this Court. These are the matters left to experts like, Superintending Engineer, Public Health, and Municipal Engineers. Further, the inspection report of the Superintending Engineer and Deputy Executive Engineer would show that such exercise was taken up in response to the representation of the residents of Chandra Nagar opposite to Bhagatsingh Nagar. Therefore, the petitioner may not have any grievance that their representation was not considered at all. The respondents have considered the representation and keeping in view, the opinion of the Hyderabad Metropolitan Water Supply and Sewerage Board also, changed the alignment of storm water drain to avoid percolation of drainage water into drinking water supply line.

The Writ Petition is wholly misconceived and is accordingly dismissed *in limini*. No costs.

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(V.V.S.RAO, J)

20.10.2005

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